

Amendment No. 1 to HB3113

**Fowlkes
Signature of Sponsor**

AMEND Senate Bill No. 2371*

House Bill No. 3113

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended

by adding the following new subsection:

(e)

(1) Notwithstanding any provision of subsections (a) through (d) to the contrary, any county having a population of not less than three hundred seven thousand (307,000) nor more than three hundred eight thousand (308,000), according to the 2000 federal census or any subsequent federal census, may elect to establish judicial commissioners to assist the general sessions court. The county legislative body may appoint one or more attorneys to serve as judicial commissioners. The duties of a judicial commissioner shall include, but not be limited to the following:

(A) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in title 40, chapters 5 and 6;

(B) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(C) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;

(D) Setting and approving bonds and the release of recognizance of defendants in accordance with title 40, chapter 11; and

(E) Setting bond for the circuit court judges and chancellors in cases involving violations of orders of protection between the hours of nine o'clock p.m. (9:00 p.m.) and seven o'clock a.m. (7:00 a.m.) on weekdays, weekends and holidays and at any other time when the judge or chancellor is unavailable to set such bond.

(2) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(3) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by § 8-21-401, shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.